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NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			SAEED, USMAAN	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,950	Applicant(s) HUANG, CHIH-WEN	
	Examiner Usmaan Saeed	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7-29-2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-32 are pending in this office action.

Information Disclosure Statement

2. Applicants' Information Disclosure Statement, filed on 7/29/2004 has been received, entered and considered. See attached form PTO-1449.

Priority

3. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numeral 110 in figure 10. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are

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required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: Step 104 mentioned in the description is not present in figure 10.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 16 fail(s) to

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disclose the scope of the invention because Bluetooth recited in claim 16, is a standard and can evolve over the passage of time.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 21, 24-28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Jones et al. (Jones hereinafter)** (U.S. PG PUB No. 2002/0118949).

With respect to claim 1, **Jones** teaches a **file managing method for a digital apparatus comprising:**

“(a) establishing a folder corresponding to a file type generated in an operational mode of the digital apparatus; and (b) storing a file according to its file type to the folder corresponding to the file type established in step (a)” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-

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VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones Paragraph 0016**).

An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones Paragraph 0027**).

With respect to claim 2, **Jones teaches "the method of claim 1, further comprising utilizing corresponding applications to open the file in the digital apparatus according to the name of the folder established in step (a)"** as digitally recorded movies and digitally recorded music are accessible and enjoyable without any computer involvement (**Jones Paragraph 0005**).

With respect to claim 3, **Jones teaches "the method of claim 1, wherein step (a) automatically establishes the folder corresponding to the file type generated in the operational mode when the operational mode is selected"** as an output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred

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embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones Paragraph 0027**). The folders are created according to file types generated in the operational mode.

With respect to claim 4, **Jones teaches "the method of claim 1, wherein the operational mode comprises a typical picture mode"** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones Paragraph 0016**).

Claim 26 is essentially the same as claim 4 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 5, **Jones teaches the method of claim 1, wherein the operational mode comprises a motion picture mode"** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with

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sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 27 is essentially the same as claim 5 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 6, **Jones** teaches **“the method of claim 1, wherein the operational mode comprises a recording mode”** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 28 is essentially the same as claim 6 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 7, **Jones** teaches **“the method of claim 1, wherein step (a) automatically establishes the folder corresponding to the file type when data is captured by the digital apparatus”** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that

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are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027). The folders are being created automatically according to the file types (audio, video or sound), which are being captured by the digital apparatus.

With respect to claim 8, **Jones** teaches **"the method of claim 7, wherein the digital apparatus utilizes an image capturing module to capture image data, and automatically establishes the folder corresponding to the file type of the image data"** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with

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the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027).

With respect to claim 9, **Jones** teaches **"the method of claim 7, wherein the digital apparatus utilizes a recording module to capture sound data, and automatically establishes the folder corresponding to the file type of the sound data"** as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a "PICTURES" folder (with files compatible with the PictureCD specification), a "VIDEOS" folder (with files compatible with the MPEG-1 standard), an "AUDIO" folder (with files compatible with the WAV standard), and, optionally, an "OTHERS" folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027).

With respect to claim 10, **Jones** teaches “**the method of claim 1, wherein step (b) compares the name of the folder established in step (a) with a file name extension of the file in order to store the file corresponding to the operational mode of the digital apparatus in the folder established in step (a)**” as (Jones Paragraph 0028)

With respect to claim 21, **Jones** teaches “**the method of claim 1, wherein the digital apparatus is a digital camera**” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016).

Claim 30 is essentially the same as claim 21 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 24, **Jones** teaches “**a digital apparatus for implementing the method of claim 1**” as Figure 1A.

With respect to claim 25, **Jones** teaches “**a digital apparatus with a plurality of operational modes, the digital apparatus comprising: a receiving module for capturing a file; a control module for switching the operational modes of the**

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digital apparatus; a folder establishing module for establishing a folder corresponding to a file type generated in a specific operational mode of the digital apparatus; and a memory module for storing the file captured by the receiving module according to its file type to the folder corresponding to the file type established by the folder establishing module” as the HP PhotoSmart 912 camera captures 2.24 megapixel still images and can add audio annotations. The Fuji Finepix 40i camera takes 2.4 megapixel stills, 80 second quarter-VGA video files with sound (that are quite compelling when viewed on a television screen), and has a built-in MP3 (Motion Picture Experts Group 1, Layer 3 Audio) player (**Jones** Paragraph 0016). An output from the digital processor 117 is created in folders (sub-directories) complying with the CD-ROM(XA) and Video CD (White Book) standards and also includes, in a preferred embodiment, a “PICTURES” folder (with files compatible with the PictureCD specification), a “VIDEOS” folder (with files compatible with the MPEG-1 standard), an “AUDIO” folder (with files compatible with the WAV standard), and, optionally, an “OTHERS” folder (with files otherwise compatible with ISO 9660) (**Jones** Paragraph 0027). Today's digital cameras use either built-in or removable memory. Inexpensive cameras typically offer a few megabytes of built-in memory, and more expensive cameras have a slot for CompactFlash, SmartMedia, Memory Stick, or similar large memory capacity modules (**Jones** Paragraph 0016).

Claims 11-18, 22, 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al.** (U.S. PG PUB No. 2002/0118949) as applied to claims

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1-10, 21, 24-28 and 30 above, in view of **Ronald M. Perkes**. (**Perkes** hereinafter) U.S.

PG Pub No. 2003/0110503.

With respect to claim 11, 12, 13 and 14, **Jones** does not explicitly teaches **“setting up a shortcut to transmit the file in the corresponding folder to another digital apparatus when the shortcut is executed, when the shortcut is executed, all files of the same file type stored in the corresponding folder are transmitted to the other digital apparatus, the shortcut is executed by a hot key, and other digital apparatus is a computer.”**

However, **Perkes** discloses **“setting up a shortcut to transmit the file in the corresponding folder to another digital apparatus when the shortcut is executed, when the shortcut is executed, all files of the same file type stored in the corresponding folder are transmitted to the other digital apparatus, the shortcut is executed by a hot key, and other digital apparatus is a computer”** as a collection that includes one or more digital media types for broadcast using a variety of third-party applications such as are commonplace on the personal computer, or through special client software tools that allow the Broadcaster to select an organize digital media files in a chosen order, insert text or graphics or other similar objects, and to save and store that organized media ("Broadcast Segment") and link it to a specific button on the user interface of the software program, which button is known as a "Channel, which operates as a residence for the Broadcast Segment (**Perkes** Paragraph 0077). The Broadcaster then initiates an Intention to transmit Notice, which is either sent to the Master Agent or,

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alternatively, can be sent directly to the Viewer. The on line/off line status of the Viewers computer is determined by the Master Agent (**Perkes** Paragraph 0078). Examiner interprets viewer's computer as other digital apparatus and the shortcut/hot key as button.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Perkes's** teachings would have allowed **Jones** to organize, publish, distribute (collectively broadcasting) and displaying digital media such as digital audio, digital video, digital photos in a seamless and easily navigable viewing (**Perkes** Paragraph 0077).

Claim 29 is essentially the same as claims 11, 12, and 13 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

With respect to claim 15, 16, 17, and 18 **Jones** does not explicitly teach, **"the files stored in the corresponding folder are transmitted to the other digital apparatus using wireless network technology, the wireless network technology refers to Bluetooth.TM. wireless local area network (WLAN) protocol, the wireless network technology refers to infrared transmission, and the files stored in the corresponding folder are transmitted to the other digital apparatus using a cable."**

However, **Perkes** discloses, “the files stored in the corresponding folder are transmitted to the other digital apparatus using wireless network technology, the wireless network technology refers to Bluetooth.TM. wireless local area network (WLAN) protocol, the wireless network technology refers to infrared transmission, and the files stored in the corresponding folder are transmitted to the other digital apparatus using a cable” as the present invention optionally utilizes at the consumer end a computing based Appliance with continuous Internet access, such as a DSL, wireless or cable connection (**Perkes** Paragraph 0037). In most wireless systems, radio frequency (RF) or infrared transmission (IR) waves are used (**Perkes** Paragraph 0197). Bluetooth is a computing and telecommunications industry specification that describes how mobiles phones, computers, and personal digital assistants (PDA's) can easily interconnect with each other and with home and business phones and computers using a short-range wireless connection (**Perkes** Paragraph 0200).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Perkes's** teachings would have allowed **Jones** to provide easy and reliable connection, which enables the digital apparatuses to communicate with other digital apparatuses or other Internet accessible appliances (**Perkes** Paragraph 0035).

With respect to claim 22, **Jones** does not explicitly teach, “the method of claim 1, wherein the digital apparatus is a mobile phone.”

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However, **Perkes** discloses “**the method of claim 1, wherein the digital apparatus is a mobile phone**” as Bluetooth is a computing and telecommunications industry specification that describes how mobiles phones, computers, and personal digital assistants (PDA's) can easily interconnect with each other and with home and business phones and computers using a short-range wireless connection (**Perkes** Paragraph 0200).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Perkes's** teachings would have allowed **Jones** to organize, publish, distribute (collectively broadcasting) and displaying digital media such as digital audio, digital video, digital photos in a seamless and easily navigable viewing (**Perkes** Paragraph 0077).

Claim 31 is essentially the same as claim 22 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

Claims 19-20, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jones et al.** (U.S. PG PUB No. 2002/0118949) as applied to claims 1-10, 21, 24-28 and 30 above, in view of **Dan Huang**. (**Huang** hereinafter) U.S. PG Pub No. 2004/0098379.

With respect to claim 19 and 20, **Jones** does not explicitly teaches “**the method of claim 1, further comprising automatically establishing a folder in the other**

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digital apparatus corresponding to the file type when transmitting the files stored in the corresponding folder to the other digital apparatus and the other digital apparatus is a computer.”

However, **Huang** discloses “the method of claim 1, further comprising automatically establishing a folder in the other digital apparatus corresponding to the file type when transmitting the files stored in the corresponding folder to the other digital apparatus and the other digital apparatus is a computer” as the system automatically determine where and how the files are to be copied. Figure one shows the importation file process. Once a group of files are selected for import, the process begins by getting the next file on the import list 110. The system then determines the file type, that is, whether the file type is an audio file or a picture file or a video file 112. The system then finds a file date or assigns a file date 114. The system then constructs a destination path based on file type and the date assigned 116. The date assigned can be the file importation date or the file creation date. The file name conflict is resolved preferably by appending a number to the end of the file name 118. The file can then be copied into the destination folder 120. (**Huang** Paragraph 0020).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of the cited references because **Huang's** teachings would have allowed **Jones** to organize and manage digital audio, image and video file (**Hunag** Paragraph 0017) by auto generation of folder structures, based on file types such as my pictures and my videos automatically when they are imported (**Hunag** Paragraph 0065).

With respect to claim 23, **Jones** teaches “**the method of claim 19, wherein the digital apparatus is a digital camcorder**” as similarly a consumer today can buy a film camera or a video camcorder (even a digital video camcorder) and happily use it without any knowledge of computers (**Jones** Paragraph 005).

Claim 32 is essentially the same as claim 23 except it sets forth the claimed invention as an apparatus and is rejected for the same reasons as applied hereinabove.

Conclusion

8. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure is listed on 892 form.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usmaan Saeed whose telephone number is (571)272-4046. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Usmaan Saeed
Patent Examiner
Art Unit: 2166



Hosain Alam
Supervisor

US
March 22, 2006